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9 Gerard Q. Decker, IV

10 UNITED STATES BANKRUPTCY COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SANTA ROSA DIVISION

13 In re GERARD Q. DECKER, IV  
14 aka ROD DECKER,  
15 Debtor.

Case No. 09-10655 AJ

Chapter 7

Date: October 23, 2009

Time: 10:00 a.m

Place: Bankruptcy Court  
99 South E Street  
Santa Rosa, CA

19 **DEBTOR'S SUPPLEMENTAL MEMORANDUM OF POINTS AND**  
20 **AUTHORITIES IN SUPPORT OF MOTION FOR**  
21 **REINSTATEMENT OF AUTOMATIC STAY AS TO SECURED**  
22 **CREDITOR ONE WEST BANK FSB**

23 **ACTS IN VIOLATION OF STAY ARE VOID**

24 In her opposition to this motion, the real party in interest, Karen Griggi, argues  
25 that no points and authorities have been cited by the debtor in support of this motion. In  
26 response, the debtor states that based upon well established case authority in the Ninth  
27 Circuit, any acts in violation of the automatic bankruptcy stay are void, not voidable. [*In*  
28 *re Gruntz*, 202 F.3<sup>rd</sup> 1074, 1081-1082 (9<sup>th</sup> Cir. 2000); *Hillis Motors, Inc. vs. Hawaii Auto*

1 *Dealers Ass'n.*, 997 F.2d 581, 586 (9<sup>th</sup> Cir. 1993); and *In re Schwartz*, 954 F.2d 569, 571-  
2 572 (9<sup>th</sup> Cir. 1992).

3  
4 The debtor acknowledges that in some cases post-petition transfers of real  
5 property to a good faith purchaser without the knowledge of the bankruptcy filing may  
6 be excepted from the automatic stay. [See 11 U.S.C. 362(b)(24).] But in this case the  
7 debtor believes that purchaser, Karen Griggi, and her agent, had knowledge of the  
8 debtor's bankruptcy filing. [See declaration of counsel in support of this motion.]  
9 Moreover, 11 U.S.C. 362(b) (24) is expressly trumped by 11 U.S.C. 549(a)(2)(B) which  
10 states that the trustee may avoid any transfer of property of the estate that is not  
11 authorized by the court.

12  
13 The real party in interest purchaser, Karen Griggi, has presented no arguments that  
14 would refute these points.

15  
16  
17 Dated: October 16, 2009

/s/ John G. Warner

18 John G. Warner  
19 Attorney for the Debtor,  
Gerard Q. Decker, IV